

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE:

NATIONAL PROMOTERS AND SERVICES,  
INC.

DEBTOR

CASE NO. 12-01076 (ESL)

CHAPTER 11

APPLICATION FOR EMPLOYMENT OF ATTORNEY

TO THE HONORABLE COURT:

COMES NOW, the debtor in possession, as applicant in this matter, who applies to the Court for the approval of the Law Firm of Carmen D. Conde Torres, Esq. as debtor's attorney and respectfully states as follows:

1. The above captioned Debtor filed its petition for relief under Chapter 11 of the Bankruptcy Code on February 15, 2012, and continue operating its business and property as debtor in possession pursuant to Sections 1101 and 1107 of the Title 11 of the United States Code.
2. Debtor needs the services of an attorney to properly administer its bankruptcy case.
3. To that effect, Debtor has selected CARMEN D. CONDE TORRES, from the Law Offices of C. CONDE & ASSOC., as its legal counsel because she has considerable experience in bankruptcy proceedings and Debtor believes that she is well qualified to represent it in this case.
4. Debtor intends that Carmen D. Conde Torres will represent it in this case and in all matters relating thereto. The professional services to be rendered will include:

- a. advise debtor with respect to its duties, powers and responsibilities in this case under the laws of the United States and Puerto Rico in which the debtor in possession conducts its operations, do business, or is involved in litigation;
  - b. advise debtor in connection with a determination whether a reorganization is feasible and, if not, helping debtor in the orderly liquidation of its assets;
  - c. assist the debtor with respect to negotiations with creditors for the purpose of arranging the orderly liquidation of assets and/or for proposing a viable plan of reorganization;
  - d. prepare on behalf of the debtor the necessary complaints, answers, orders, reports, memoranda of law and/or any other legal papers or documents;
  - e. appear before the bankruptcy court, or any court in which debtors assert a claim interest or defense directly or indirectly related to this bankruptcy case;
  - f. perform such other legal services for debtor as may be required in these proceedings or in connection with the operation of/and involvement with debtor's business, including but not limited to notarial services;
  - g. employ other professional services, if necessary.
5. To the best of my knowledge, Carmen D. Conde Torres, nor any of her employees have any connection with the creditors, any party in interest, their attorneys, their accountants, the U.S.Trustee, and the personnel of the U.S. Trustee.
6. To the best of the debtor's knowledge, Carmen D. Conde Torres, nor any of her employees, represent or hold any interest adverse to the debtor or the estate in the matters upon which she is to be engaged, pursuant to 11 U.S.C. 327 (a).

7. To the best of the debtor's knowledge, Carmen D. Conde Torres is a disinterested person within the meaning of 11 U.S.C. 101 (14).
8. To the best of debtor's knowledge, Carmen D. Conde Torres is aware that she may not share or agree to share the compensation or reimbursement received from the services provided in this case, pursuant to 11 USC 504, except as provided by law.
9. Compensation for professional services to be rendered in this case is agreed as follows:
  - a. in the case of Carmen D. Conde Torres, Esq, (Senior Attorney) and/or other senior attorney, a rate of \$300.00 per hour plus any costs and expenses;
  - b. In the case of Associates, a rate of \$275.00 per hour plus any costs and expenses;
  - c. In the case of Junior Attorney, a rate of \$250.00 per hour plus any costs and expenses;
  - d. in the case of legal assistance such as paralegal or in house special clerical services and/or accounting analyst, a rate of \$150.00 per hour plus any costs and expenses.
10. Carmen D. Conde had received a non refundable retainer in this case in the amount of \$20,000.00 which was paid by Mr. Carlos Benítez Rivera. The hourly rates are subject to change with the passage of time upon prior notice.
11. Any compensation to be received is subject to the Court's approval upon proper application and notice thereof.
12. That a verified statement is attached to this application in compliance with Section

327(a) of the Bankruptcy Code, and Federal Rule of Bankruptcy Procedures 2014.

In addition, and in compliance with LBR 2014-1, applicant enclosed her personal curriculum vitae.

13. Pursuant to the provisions of 11 U.S.C. 327(a), no notice of this application need to be given and no hearing need to be held unless the Court should otherwise direct.
14. A copy of this application has been served upon the U.S. Trustee, pursuant to Federal Rule of Bankruptcy Procedures 2014.

**WHEREFORE**, the debtor prays this Honorable Court to enter an order approving the engagement of Carmen D. Conde Torres, from the Law Offices of C. CONDE & ASSOC., pursuant to Section 327(a) of the Bankruptcy Code, for the purpose hereinafter described with compensation to be allowed upon prior application and after notice and hearing, if necessary.

#### **NOTICE**

Within twenty one (21) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

RESPECTFULLY SUBMITTED.

In San Juan, P.R. this 29<sup>th</sup> day of February, 2012.

  
Carlos Benítez Rivera, President

### CERTIFICATE OF SERVICE

**I HEREBY CERTIFY:** That on same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the participants appearing in said record including the US Trustee.

**C. CONDE & ASSOC.**

/s/ Carmen D. Conde Torres

Carmen D. Conde Torres, Esq.

USDC No. 207312

254 San José Street, 5<sup>th</sup> Floor

Old San Juan, Puerto Rico 00901

Telephone: 787-729-2900

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E-Mail: [condecarmen@microjuris.com](mailto:condecarmen@microjuris.com)

**Carmen D. Conde**  
C. Conde & Associates | LAW OFFICES  
254 San Jose Ave., Ste. 5, San Juan, PR 00901, 787.729.2900

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*Selected Achievements:*

- **Founder and Principal of Conde and Associates:** One of Puerto Rico's leading law firms focusing on Chapter 11 Corporate Reorganizations and Federal Litigation
- **Argued** winning arguments in numerous reported cases including several before the First Circuit Court of Appeals
- **Reorganized** numerous corporate entities successfully including debtor organizations with more than \$200 million in value
- **Presented and Developed** numerous seminars on Bankruptcy Law for state court judges
- **Twenty years** of litigation experience in State and Federal courts
- **Selected** by the First Circuit Court of Appeals for membership on the Panel for Selection of Bankruptcy Judges

*Professional Experience:*

**Conde and Associates:** 1993 – Present. *Principal and Founder:* Primary emphasis on bankruptcy law and corporate reorganizations. Successfully reorganized corporations worth more than \$200 million. Represented clients in variety of jurisdictions, including New York and Delaware. Developed firm that now supports four associates and a retired Federal Judge as Of Counsel. Firm has been featured in Caribbean Business Journal and in numerous articles in the local press.

**U.S. Department of Justice, Office of the U.S. Trustee:** 1989 – 1993. *Attorney.* Responsible for enforcing the provisions of the Bankruptcy Code on both Debtors and Creditors. Reviewed Bankruptcy cases to ensure compliance. Drafted memoranda regarding issues in Bankruptcy law.

*Corporate Directorships:*

**Medical Card Systems:** *Director.* Member of Board of Directors.

**Banco de Desarrollos Economico para Puerto Rico:** *Director.* Member of Board of Directors.

**Corporation for the Financing of Housing in Puerto Rico:** *Director.* Member of Board of Directors.

**Corporation for Public Financing:** *Director.* Member of Board of Directors

**Amigos Ballet de San Juan:** *Director.* Member of Board of Directors

*Professional Associations:*

- \* Puerto Rico Bar Association
- \* Puerto Rico Federal Bar Association
- \* American Bar Association
- \* American Bankruptcy Institute
- \* Puerto Rico Notary Association

Education:

University of Puerto Rico: Bachelor's of Science Degree. 1970.

Inter-American University: Juris Doctorate. *Cum Laude*.

Bars and Courts:

Puerto Rico (Federal and State); U.S. Court of Appeals for the First Circuit

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VERIFIED STATEMENT OF ATTORNEY

I, *Carmen D. Conde Torres*, from the Law Offices of C. Conde & Associates do hereby certify under penalty of perjury that to best of my knowledge, information and belief the following is true and correct:

1. I am in good standing fully admitted to practice as such in the Commonwealth of Puerto Rico by the Supreme Court of Puerto Rico and the United States District Court for the District of Puerto Rico.
2. Debtor needs the services of an attorney to properly administer its bankruptcy case.
3. To that effect, Debtor herein, has selected me, Carmen D. Conde Torres, from the Law Offices of C. Conde & Assoc., as its legal counsel because I have considerable experience in bankruptcy proceedings and Debtor believes that I am well qualified to represent it in this case.

4. Debtor intends that I will represent it in this case and in all matters relating thereto.

The professional services to be rendered will include:

- a. advise debtor with respect to its duties, powers and responsibilities in this case under the laws of the United States and Puerto Rico in which the debtor



- in possession conducts its operations, do business, or is involved in litigation;
  - b. advise debtor in connection with a determination whether a reorganization is feasible and, if not, helping debtor in the orderly liquidation of its assets;
  - c. assist the debtor with respect to negotiations with creditors for the purpose of arranging the orderly liquidation of assets and/or for proposing a viable plan of reorganization;
  - d. prepare on behalf of the debtor the necessary complaints, answers, orders, reports, memoranda of law and/or any other legal papers or documents;
  - e. appear before the bankruptcy court, or any court in which debtors assert a claim interest or defense directly or indirectly related to this bankruptcy case;
  - f. perform such other legal services for debtor as may be required in these proceedings or in connection with the operation of/and involvement with debtor's business, including but not limited to notarial services;
  - g. employ other professional services, if necessary.
5. To the best of my knowledge, I nor any of my employees have any connection with the creditors, any party in interest, their attorneys, their accountants, the U.S.Trustee, and the personnel of the U.S. Trustee.
6. To the best of my knowledge, me nor any of my employees, represent or hold any interest adverse to the debtor or the estate in the matters upon which I will be engaged, pursuant to 11 U.S.C. 327 (a).
7. To the best of my knowledge, I am a disinterested person within the meaning of 11 U.S.C. 101 (14).

8. I have not agreed to share with any person, except members of my Firm, the compensation to be paid for the services rendered in this case.
9. Compensation for professional services to be rendered in this case is agreed as follows:
  - a. in the case of Carmen D. Conde Torres, Esq, (Senior Attorney) and/or other senior attorney, a rate of \$300.00 per hour plus any costs and expenses;
  - b. In the case of Associates, a rate of \$275.00 per hour plus any costs and expenses;
  - c. In the case of Junior Attorney, a rate of \$250.00 per hour plus any costs and expenses;
  - d. in the case of legal assistance such as paralegal or in house special clerical services and/or accounting analyst, a rate of \$150.00 per hour plus any costs and expenses.
10. Carmen D. Conde had received a retainer in this case in the amount of \$20,000.00 which was paid by Mr. Carlos Benítez Rivera. The hourly rates are subject to change with the passage of time upon prior notice.
11. Any compensation to be received is subject to the Court's approval upon proper application and notice thereof. Pursuant to the provisions of 11 U.S.C. 327(a), no notice of this application need to be given and no hearing need to be held unless the Court should otherwise direct.
12. I will amend this statement immediately upon my learning that: a) any of the representations made herein are incorrect, or b) there is any change of circumstances

relating thereto.

13. I have reviewed the provisions of LBR 2016-1.
14. A copy of my application has been served upon the U.S. Trustee, pursuant to Federal Rule of Bankruptcy Procedures 2014-1.
15. That this verified statement is provided in compliance with Section 327(a) of the Bankruptcy Code, and Federal Rule of Bankruptcy Procedures 2014-1, for the purpose described in Debtor's application for employment of attorney, with compensation to be allowed upon prior application notice and hearing there on, if necessary.
16. **I HEREBY CERTIFY** under penalty of perjury that the foregoing is true and correct, as provided in 28 U.S.C. § 1746.

**RESPECTFULLY SUBMITTED.**

In San Juan, P.R. this 29<sup>th</sup> day of February, 2012.

**C. CONDE & ASSOC.**

S/ Carmen D. Conde Torres

Carmen D. Conde Torres, Esq.

(USDC No. 207312)

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